

Exhibit 8

THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

- - -

IN RE: NATIONAL : HON. DAN A.
PRESCRIPTION OPIATE : POLSTER
LITIGATION :
:
APPLIES TO ALL CASES : NO.
: 1:17-MD-2804
:

- HIGHLY CONFIDENTIAL -

SUBJECT TO FURTHER CONFIDENTIALITY REVIEW

- - -

January 9, 2019

- - -

Videotaped deposition of
JINPING McCORMICK, taken pursuant to
notice, was held at the offices of
Kessler Topaz Meltzer & Check, 280 King
of Prussia Road, Radnor, Pennsylvania,
beginning at 9:13 a.m., on the above
date, before Michelle L. Gray, a
Registered Professional Reporter,
Certified Shorthand Reporter, Certified
Realtime Reporter, and Notary Public.

- - -

GOLKOW LITIGATION SERVICES
877.370.3377 ph | 917.591.5672 fax
deps@golkow.com

1 Q. On various special projects?

2 A. On various projects, yes.

3 Q. Okay. And were you in the
4 marketing division?

5 A. Not when I started in that
6 position.

7 Q. Okay. Which division were
8 you in when you started?

9 A. I was not in marketing, I
10 was just in general management.

11 Q. Okay. And when did you
12 switch over to the marketing department
13 at AlphaPharma?

14 A. Six months after I started.

15 Q. And what were your
16 responsibilities in the marketing
17 department at AlphaPharma?

18 A. I started out as a marketing
19 manager or product manager.

20 Q. For what products?

21 A. For a selection -- for
22 wholesale products, a number of them.

23 Q. Do you recall whether any of
24 those products were opioids?

1 A. I do not remember specific
2 products at that -- now, so many years
3 ago.

4 Q. Okay. So you don't remember
5 any of the products that you worked on
6 when you were at Alpharma?

7 A. Just at the beginning,
8 right?

9 Q. When you were in the
10 marketing department at Alpharma?

11 A. Yeah.

12 Q. Before you were with
13 Actavis?

14 A. Right.

15 Q. You don't remember any of
16 those products?

17 A. I remember products. I just
18 don't remember exactly what the products
19 are at this moment, because there are so
20 many products. And more products were
21 added as I -- as I progressed, because I
22 have been there for eight years.

23 THE VIDEOGRAPHER: Excuse me
24 one second. Can we go off the

1 record for just a moment? Going
2 off record. The time is 9:19.

3 (Short break.)

4 THE VIDEOGRAPHER: We are
5 going back on record, beginning of
6 Media File 2. The time is 9:26.

7 BY MS. BAIG:

8 Q. So what were the various
9 positions that you held at Alpharma?

10 A. Senior business analyst to
11 start with, then marketing manager, and
12 at some time post-Alpharma, the company
13 became Actavis.

14 Q. And when the company became
15 Actavis, did that change your
16 responsibilities at all?

17 A. No.

18 (Document marked for
19 identification as Exhibit
20 Allergan-McCormick-1.)

21 BY MS. BAIG:

22 Q. We'll have this document
23 marked as Exhibit 1.

24 This document is Bates

1 stamped Acquired_Actavis_00588522 through
2 588525. And it appears to be a copy of
3 your resumé as of August of 2012; is that
4 right?

5 A. Yes.

6 Q. And is this a true and
7 correct copy of your resumé and your
8 accomplishments and positions held as of
9 that time?

10 A. Appears so.

11 Q. And so here you have that
12 you were working at Actavis from 2004 to
13 the -- to the then present, 2012,
14 correct?

15 A. So I started in 2004 in
16 Alpharma, then Alpharma became Actavis.
17 And then I stayed with the company till
18 the end of 2012.

19 Q. Okay.

20 A. Yes.

21 Q. And where did you go in
22 2012?

23 A. So at the beginning of 2013
24 I joined the company called Dr. Reddy's

1 director.

2 What marketing tools did you
3 do to try to drive those sales of generic
4 opioid products?

5 MR. MAIER: Objection to
6 form.

7 THE WITNESS: So generic
8 sales typically would -- to drive
9 the growth of generic sales
10 involves a number of factors.

11 One of them is really
12 gaining the distribution at
13 wholesalers, distributors, retail
14 chains.

15 And second, is by lowering
16 the cost, working with the
17 production team. And to gain that
18 distribution or market share at
19 our customers require us to, you
20 know, be a good supplier which
21 means a good consistent supply, as
22 well as competitive price.

23 BY MS. BAIG:

24 Q. So, but you were the

1 director of marketing. My question to
2 you is, what marketing tools did you use
3 to try to drive sales?

4 We've talked about a few.
5 We talked about sizzle slides, for
6 example. We've talked about meetings
7 that you've had with the customers.

8 What -- we've talked about
9 -- your use of ad agencies.

10 What other types of tools
11 did you drive -- did you use to try to
12 drive sales?

13 A. So --

14 MR. KNAPP: Objection to
15 form and foundation.

16 MS. VENTURA: Objection to
17 form.

18 MR. MAIER: Objection to
19 form.

20 THE WITNESS: So to drive
21 sales -- the generic marketing
22 really is different from, if you
23 were to think about the consumer
24 goods or the brand marketing.

1 Generic marketing is so much
2 about product management which
3 means to supply -- to make the
4 medicine available, accessible and
5 affordable with good service and
6 supply to the customers.

7 So this notion of
8 advertising that drives it is --
9 is such a minor component of
10 generic marketing.

11 BY MS. BAIG:

12 Q. But you did hire an
13 advertising agency.

14 A. Yeah. That's why it's a
15 small one.

16 Q. Okay. And did you use
17 Kadian sales reps to detail generic
18 opioids to doctors?

19 MS. VENTURA: Objection to
20 form.

21 THE WITNESS: We did not
22 hire the Kadian sales rep to
23 detail the generic opioids.

24 BY MS. BAIG:

1 Q. No. Did you use them
2 though, is my question.

3 A. We --

4 MR. KNAPP: Please just let
5 the witness finish. I think she
6 was still answering the question.

7 MS. VENTURA: And objection
8 to form.

9 THE WITNESS: So we used
10 them just to make the doctors
11 aware that generic products on
12 very select cases was available.
13 They were not detailing any
14 benefit of the -- the medicine.

15 BY MS. BAIG:

16 Q. And who trained the Kadian
17 sales reps on what they were to say about
18 generic opioids when they were visiting
19 doctors?

20 A. I mean there was sales team,
21 there was training from marketing and
22 legal. I don't remember exactly who
23 trained them. But they were properly
24 trained.

1 Q. They were what?

2 A. They were properly trained.

3 Q. Well, were you at the
4 training?

5 A. I was not.

6 Q. So you weren't involved in
7 training -- in training the sales reps?

8 A. I was involved in the
9 material used to train them.

10 Q. What were the materials used
11 to train them?

12 A. I -- it's really just to let
13 them know the -- what they could or could
14 not say. It really was about the
15 availability of the generic product.

16 Q. And do you know when the
17 company started using Kadian sales reps
18 to market generic opioids?

19 MS. VENTURA: Objection to
20 form.

21 THE WITNESS: It was only on
22 the very selective cases, like
23 oxymorphone and the generic
24 Kadian. So, morphine sulfate.

1 Q. Did you have a general
2 understanding that sales were increasing
3 in a significant amount at that time?

4 MR. MAIER: Objection to
5 form.

6 THE WITNESS: It should be,
7 because July was launching. When
8 you launch, this is four-month,
9 six-month after launch, it should
10 be increasing.

11 BY MS. BAIG:

12 Q. Okay. And you see a little
13 bit further down, it states that "the
14 marketing group is once again utilizing
15 the Kadian sales force to promote
16 oxymorphone to pain doctors, as well as
17 running both direct mail and e-mail
18 promotional programs in January and
19 February."

20 Do you see that?

21 A. Yes.

22 Q. And he states, "Our goal is
23 to continue the growth trend through
24 2012."

1 Do you see that?

2 A. Yes.

3 Q. And was it your
4 understanding that the marketing group
5 was utilizing the Kadian sales force to
6 promote oxymorphone to pain doctors?

7 MR. MAIER: Objection to
8 form.

9 THE WITNESS: Yes. I was
10 aware to promote. I think we want
11 to clarify that promote, really
12 just to make it aware of the
13 availability of this product, as
14 those marketing material we had
15 reviewed earlier.

16 BY MS. BAIG:

17 Q. And that -- and you are also
18 running both direct mail and e-mail
19 promotional programs, correct?

20 A. Yes. So all of these
21 programs were just awareness program. It
22 wasn't promoting the product on any of
23 the benefits or anything.

24 Q. Did you have an

1 understanding of the addictive qualities
2 of the product at the time?

3 MR. MAIER: Objection to
4 form.

5 THE WITNESS: So product
6 being Schedule II has addictive
7 potential.

8 BY MS. BAIG:

9 Q. And do you know whether the
10 Kadian sales force was promoting the
11 awareness of the addictive qualities of
12 oxymorphone to pain doctors?

13 MR. MAIER: Object to form
14 and foundation.

15 MS. VENTURA: Join in the
16 objection.

17 THE WITNESS: What we asked
18 Kadian sales force was just
19 awareness campaign to the doctors,
20 so they are aware, so they -- the
21 doctors were aware of the ability
22 of the generic because the --
23 because Opana ER was discontinued.

24 BY MS. BAIG: